



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

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Third District

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Fifth District

September 12, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Status of County-Sponsored Legislation**
 - **County-sponsored SB 804 (Lara)** – related to conversion technology, passed the Assembly Environmental Safety and Toxic Materials Committee on September 10, 2013.
- **Status of County-Advocacy Legislation.** Updates on seven County-advocacy measures related to: 1) the expansion of Medi-Cal coverage for pregnancy-related and postpartum services; 2) related to the sale of animals at swap meets; 3) interest rates on judgments against the State and local governments; 4) placements at Institutions for Mental Diseases; 5) municipal solid waste conversion; 6) worker's compensation death benefits; and 7) content local government agency contractors can display on vehicles and uniforms.
- **Legislation of County Interest.** Reports on three measures of County interest related to: 1) the Voting Rights Act of 1965; 2) retirement claims by local public officers; and 3) a proposed constitutional amendment to the California Public Records Act and the Brown Act.

"To Enrich Lives Through Effective And Caring Service"

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Status of County-Sponsored Legislation

County-sponsored SB 804 (Lara), which as amended on August 20, 2013, would: 1) revise the term biomass conversion to include, in addition to controlled combustion, any other conversion technology, as specified; 2) define composting to include aerobic and anaerobic decomposition of organic wastes; and 3) require a biomass conversion technology facility to meet specified requirements, was amended on August 27, 2013. As amended, the measure would require an air quality management district to either require immediate compliance with the conditions of the biomass conversion technology facility's permit or revoke that permit upon notification by the California Department of Resources, Recycling and Recovery (CDRRR) that a facility did not meet specified conditions. This measure was further amended on September 9, 2013.

As amended September 9, 2013, the bill would now: 1) revise the definition of the term biomass conversion to include, in addition to controlled combustion used for producing heat or electricity, the conversion technology used in a biomass conversion technology facility, as defined; 2) require the CDRRR to notify an air district within 48 hours of determining there is a specified violation so the air district can investigate and begin any necessary enforcement action; 3) require an air district, prior to issuing a permit to a biomass conversion technology facility, to determine whether a facility meets all the requirements for best available control technology, as specified; and 4) require a biomass conversion technology facility to submit specified documents to the city or county with land use permitting authority over the proposed facility that demonstrate the design and operation of the facility.

The Department of Public Works reports that the amendments are intended to address the concerns raised by the South Coast Air Quality Management District (AQMD) regarding amendments made by the Assembly Toxics Committee in August. Under the amended language, a project proponent will be required to submit documentation to the local permitting agency demonstrating compliance with the provisions of the act. The Department of Public Works and the Sacramento Advocates believe the recent amendments satisfactorily address AQMD's concerns.

SB 804 passed the Assembly Environmental Safety and Toxic Materials Committee by a vote of 4 to 1 on September 10, 2013. This measure now proceeds to the Assembly Floor.

Status of County-Advocacy Legislation

County-supported AB 50 (Pan), which as amended on September 5, 2013, would: 1) expand Medi-Cal coverage for pregnancy-related and postpartum services for women with incomes up to 100 percent of the Federal Poverty Level (FPL); and 2) make technical and conforming changes to the recently enacted Medi-Cal expansion legislation, **County-supported ABX1 1** (Chapter 3, Statutes of 2013) and **County-**

supported SBX1 1 (Chapter 4, Statutes of 2013); among other provisions. As amended, AB 50 is no longer an urgency measure and the provisions under the bill on the updated methodology to determine County administrative costs related to eligibility determinations and case maintenance activities related to the Medi-Cal expansion have been removed. Instead, these provisions were amended into a separate measure, SB 28 (Hernandez and Steinberg), on September 6, 2013 which is currently pending final consideration on the Senate Floor.

The Department of Public Social Services (DPSS) and the Department of Public Health (DPH) continue to support AB 50, as amended on September 5, 2013, as the bill would continue to expand Medi-Cal coverage for pregnancy-related and postpartum services for women with incomes up to 100 percent of FPL, among other provisions. Furthermore, DPSS indicates that it does not have concerns with the language under SB 28 relating to the updated methodology to determine county administrative costs related to eligibility determinations and case maintenance activities.

AB 50 passed the Assembly Floor by a vote of 57 to 19 on September 10, 2013 with concurrence of Senate amendments described above, and now proceeds to the Governor for consideration.

County-supported AB 339 (Dickinson), which as amended on June 25, 2013, would authorize, commencing January 1, 2016, a swap meet operator to permit a vendor to offer animals for sale at a swap meet provided the local jurisdiction has adopted certain standards for the care and treatment of those animals during the time that the animals are present at the swap meet and transported to and from the swap meet, was signed by the Governor on September 6, 2013 and becomes Chapter 231, Statutes of 2013.

County-supported AB 748 (Eggman), which as amended on July 5, 2013, would set the interest rate on tax and fee judgments against State and local governments to the previous year's Pooled Money Investment Account rate, and would set an upper limit of 7 percent, was amended on August 30, 2013. The amendments delete the term "settlement" to clarify that the bill would apply only to the proposed pre- and post-judgment interest rates to tax or fee judgments. This measure passed the Assembly Floor in concurrence of Senate amendments by a vote of 76 to 1 on September 10, 2013, and now proceeds to the Governor.

County-supported AB 1054 (Chesbro), which as amended on April 11, 2013, would reduce the annual rate increase paid by counties for placements at Institutions for Mental Diseases from 4.7 percent to 3.5 percent, was signed by the Governor on September 9, 2013. This measure becomes effective July 1, 2014.

County-support-if-amended AB 1126 (Gordon), which as amended on August 30, 2013, would: 1) define the term engineered municipal solid waste (EMSW) conversion as conversion of solid waste through a process that meets specified requirements; 2) define engineered municipal solid waste conversion facility to mean a facility where EMSW conversion, as defined, takes place; 3) allow a siting element providing for an EMSW conversion facility to only be approved by the city in which it is located or, if it is not located in a city, by the county; 4) prohibits the establishment or expansion of a solid waste facility in the county unless the solid waste facility is a disposal facility, transformation, or EMSW facility; and 5) excludes certain used tires or waste tires or biomass materials that are converted at an EMSW conversion facility from the per capita disposal determination, among other provisions, passed the Assembly Floor by a vote of 77 to 1 on September 10, 2013. This measure now proceeds to the Governor.

County-opposed AB 1373 (Pérez), which as amended on August 26, 2013, would extend the statute of limitations on filing a death benefits claim for a firefighter or peace officer who dies of specified presumptive work-related illness from 240 weeks to 480 weeks from the date of injury, passed the Assembly with concurrence on Senate Amendments by a 66 to 11 vote on September 10, 2013. This measure now proceeds to the Governor.

County-opposed SB 556 (Corbett), which as amended on September 4, 2013, would prohibit private entities contracting with a local government agency to provide public health and public safety services from displaying the agency's logo on their uniforms or vehicles, which might imply the agency is providing those services, unless the vehicle or uniform conspicuously displays a disclosure to identify them as a contracted service provider.

The Department of Health Services notes that as amended, SB 556 would continue to be problematic as it would add costs to contractors providing public health services which would be passed on to the County, tax payers, and consumers. The Internal Services Department concurs and additionally notes that implementing and enforcing the bill's requirements would create an additional workload for impacted County departments. County Counsel indicates the bill as amended continues to be vague and unclear as to what remedies would be available against the County as the agency overseeing contractors should they fail to follow these provisions. **Therefore, unless otherwise instructed by the Board, the Sacramento advocates will continue to oppose SB 556.**

This measure is on the Assembly Floor awaiting consideration.

Legislation of County Interest

AB 280 (Alejo), as amended on September 6, 2013, would establish a State preclearance system under which the counties of Kings, Monterey and Yuba must receive the California Attorney General's approval before making a change to their voting procedures. This measure is a gut-and-amend bill that previously related to firearms.

On June 25, 2013, in a 5 to 4 decision (*Shelby County v. Holder*), the U.S. Supreme Court struck down as unconstitutional Section 4(b) of the Voting Rights Act, which defines which jurisdictions are subject to "preclearance" from the federal government before implementing changes in election rules and procedures, such as those affecting redistricting and voter registration. In California there were three counties, Kings, Monterey and Yuba, that had been subject to Federal preclearance under Section 4(b) of the Voting Rights Act.

As amended, AB 280 would provide that should the counties of Kings, Monterey and Yuba enact or seek to administer a voting qualification, prerequisite or a standard, practice or procedure with respect to voting that is different from that in effect on June 25, 2013, the county elections official shall submit such proposal to the California Attorney General for approval. The Attorney General shall approve requests only if such measures will not have the effect of denying or abridging the right to vote on account of race or color.

There is no registered support or opposition on file for this bill.

AB 280 is currently in the Senate Elections and Constitutional Amendments Committee awaiting consideration.

SB 39 (De León), which as amended on September 10, 2013, would require the forfeiture of a contractual, common law, constitutional, or statutory claim against a local public agency employer to retirement benefits by a local public officer convicted of a felony. This measure is a gut-and-amend bill that previously related to financial assistance for energy conservation projects.

Existing law establishes a process for making claims on local agencies and exempts from that process applications for money or benefits from a public pension or retirement system. Under the California Public Employees' Pension Reform Act of 2013, an elected public officer or a public employee convicted of a felony for conduct arising out of his or her official duties forfeits specified retirement benefits.

As amended, SB 39 would provide that a local public officer who has been convicted of a felony for conduct arising out of his or her official duties shall forfeit any contract right or other common law, constitutional, or statutory claim against a local public agency employer to retirement or pension rights or benefits, including lost compensation. The forfeited claims under this measure would be in addition to any forfeiture of public retirement system rights and benefits. For purposes of this measure, a local public officer is defined as an elected or appointed official who exercised discretionary, executive authority in his or her employment. In addition, the bill applies to any claim filed prior to the effective date of the act, and still pending on that date, and any claim commenced after that date.

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This office is working with County Counsel and the Los Angeles County Employees' Retirement Association to analyze potential impact of this measure on the County.

This measure is supported by the City of Vernon and the California City Management Foundation. Currently, there is no registered opposition on file for this bill.

SB 39 is scheduled to be heard in the Assembly Judiciary Committee September 11, 2013. This is an urgency measure and would take effect immediately upon enactment.

Status of Legislation of County Interest

SCA 3 (Leno), which as amended on June 20, 2013, would place an initiative on the 2014 ballot proposing to amend the State Constitution to require that local agencies comply with the current provisions of, and any future amendments to, the California Public Records Act and Ralph M. Brown Act at their own cost, passed the Assembly Floor by a vote of 78 to 0 on September 10, 2013. This measure now proceeds to the Governor. If enacted, the ballot initiative would appear in the June 2014 statewide election.

We will continue to keep you advised.

WTF:RA
MR:PC:IGEA:lm

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants